

MINUTES OF THE MEETING  
OF THE  
BOARD OF MEDICINE AND SURGERY

June 3, 2005

ROLL CALL

The meeting of the Board of Medicine and Surgery was called to order by Chairman Randy T. Kohl, MD at 9:04 am, on Friday, June 3, 2005, in the Staybridge Room, Staybridge Suites, 2701 Fletcher Avenue, Lincoln, Nebraska. The following members answered the roll call:

Randy T. Kohl, MD, Chairman  
Michael A. Sitorius, MD, Vice-Chairman  
David A. Dryburgh, Secretary  
Gordon D. Adams, MD  
Larry E. Bragg, MD  
Samuel L. Brown, PhD  
Carl V. Smith, MD

Absent: Arthur A. Weaver, DO

A quorum was present and the meeting convened.

Also present to participate in the meeting: Terri Nutzman, Assistant Attorney General; Robert Semerena, Administrator, Investigations Division; Michael Grutsch, Program Manager, Investigations Division; Jeff Newman, Investigator; Susanne Rydberg, Investigator; Loretta Bennet, Investigator; Becky Wisell, Section Administrator, Credentialing Division; Vicki Bumgarner, Credentialing Coordinator; Meegan Dyrland, Credentialing Specialist.

ADOPTION OF AGENDA

Adams moved, seconded by Dryburgh, to adopt the agenda. Voting aye: Kohl, Sitorius, Dryburgh, Adams, Bragg, Brown, Smith. Voting nay: none. Absent: Weaver. Motion carried.

INVESTIGATIONAL REPORTS

Smith moved, seconded by Dryburgh, to go into closed session for the purpose of hearing the investigational reports. Voting aye: Kohl, Sitorius, Dryburgh, Adams, Bragg, Brown, Smith. Voting nay: none. Absent: Weaver. Motion carried and the meeting went into closed session at 9:05 am.

Kohl recused himself from the meeting at 9:30 am.

Kohl returned to the meeting at 9:44 am.

Adams recused himself from the meeting at 9:45 am.

Adams returned to the meeting at 10:10 am.

Smith recused himself from the meeting at 10:40 am.

Sitorius recused himself from the meeting at 10:55 am.

Smith and Sitorius returned to the meeting at 11:11 am.

Helen Meeks, Administrator, Credentialing Division, entered the meeting at 12:10 pm.

The meeting returned to open session at 12:20 pm.

MEDICAL APPLICATION REVIEW & DISPOSITION

Initial Licensure

Colleen Marie Bowles, MD – application for a Temporary Educational Permit. The Board reviewed information concerning one Minor in Possession conviction in 1996. Dryburgh moved, seconded by Smith, to approve the issuance of a Temporary Educational Permit to Bowles. Voting aye: Kohl, Sitorius, Dryburgh, Adams, Bragg, Brown, Smith. Voting nay: none. Absent: Weaver. Motion carried.

William Miles, MD – the Board reviewed information concerning one malpractice claim (John Nyquis). Adams moved, seconded by Bragg, to approve the issuance of a license to Miles. Voting aye: Kohl, Sitorius, Dryburgh, Adams, Bragg, Brown, Smith. Voting nay: none. Absent: Weaver. Motion carried.

James Jordan, MD – the Board reviewed information concerning Jordan's medical education. Sitorius moved, seconded by Smith, to approve the issuance of a license to Jordan. Voting aye: Kohl, Sitorius, Dryburgh, Adams, Bragg, Brown, Smith. Voting nay: none. Absent: Weaver. Motion carried.

Michael J. Shevlin, MD – application for a Temporary Educational Permit. The Board reviewed information concerning one misdemeanor conviction for possessing/using an altered license in 1997. Sitorius moved, seconded by Dryburgh, to approve the issuance of a license to Shevlin. Voting aye: Kohl, Sitorius, Dryburgh, Adams, Bragg, Brown, Smith. Voting nay: none. Absent: Weaver. Motion carried.

David Jonathan Haralson, DMD, MD – application for a Temporary Educational Permit. The Board reviewed information concerning one misdemeanor conviction for theft of services in 1994. Smith moved, seconded by Dryburgh, to approve the issuance of a license to Haralson. Voting aye: Kohl, Sitorius, Dryburgh, Adams, Bragg, Brown, Smith. Voting nay: none. Absent: Weaver. Motion carried.

Ian Michael Baxter, MD – the Board reviewed information concerning one misdemeanor conviction for physical control of vehicle while under the influence in 2004. Smith moved, seconded by Dryburgh, to approve the issuance of a license to Baxter. Voting aye: Kohl, Sitorius, Dryburgh, Adams, Bragg, Brown, Smith. Voting nay: none. Absent: Weaver. Motion carried.

Stefanie Huff, MD – the Board reviewed information concerning one citation for disorderly conduct in 2001. Dryburgh moved, seconded by Bragg, to approve the issuance of a license to Huff. Voting aye: Kohl, Sitorius, Dryburgh, Adams, Bragg, Brown, Smith. Voting nay: none. Absent: Weaver. Motion carried.

Narendra Nathoo, MBChB – the Board reviewed Nathoo's postgraduate education for comparability with the requirement of three years of ACGME accredited postgraduate education. Nathoo had approximately six years of postgraduate education in South Africa, and one and one-half years of fellowships in the United States. Smith moved, seconded by Adams, to determine that Nathoo's postgraduate education meets the Nebraska requirement, and to approve issuance of a license to Nathoo. Voting aye: Kohl, Sitorius, Dryburgh, Adams, Bragg, Brown, Smith. Voting nay: none. Absent: Weaver. Motion carried.

George Edward Knight, MD – application for a Temporary Educational Permit. The Board reviewed information concerning a careless driving conviction in 1995 and a minor in possession conviction in 1995. Dryburgh moved, seconded by Smith, to approve the issuance of a Temporary Educational Permit to Knight. Voting aye: Kohl, Sitorius, Dryburgh, Adams, Bragg, Brown, Smith. Voting nay: none. Absent: Weaver. Motion carried.

Benjamin J. Krog, MD – application for a Temporary Educational Permit. The Board reviewed information concerning a conviction for attempted carrying of a concealed weapon in 2002. Adams moved, seconded by Dryburgh, to approve issuance of a Temporary Educational Permit to Krog. Voting aye: Kohl, Sitorius, Dryburgh, Adams, Bragg, Brown, Smith. Voting nay: none. Absent: Weaver. Motion carried.

Nathan Grant Asher, MD – application for a Temporary Educational Permit. The Board reviewed information concerning a conviction for minor in possession in 1998. Smith moved, seconded by Dryburgh, to approve issuance of a Temporary Educational Permit to Asher. Voting aye: Kohl, Sitorius, Dryburgh, Adams, Bragg, Brown, Smith. Voting nay: none. Absent: Weaver. Motion carried.

Dana Joseph Hess, MD – application for a Temporary Educational Permit. The Board reviewed information concerning the following convictions: public intoxication, 1987; public intoxication, 1988; minor in possession, 1989; no registration, 1988. Smith moved, seconded by Sitorius, to approve issuance of a Temporary Educational Permit to Hess. Voting aye: Kohl, Sitorius, Dryburgh, Adams, Bragg, Brown, Smith. Voting nay: none. Absent: Weaver. Motion carried.

#### Reinstatement

Saiprasadarao Vallarapu, MD – application for reinstatement of license after voluntary surrender (non-disciplinary). The license was voluntarily surrendered August 20, 1987. The Board reviewed information received from the State of New York and information regarding Vallarapu's response to one of the questions on the application. Smith moved, seconded by Adams, to approve the reinstatement of license for Vallarapu. Voting aye: Kohl, Sitorius, Dryburgh, Adams, Bragg, Brown, Smith. Voting nay: none. Absent: Weaver. Motion carried.

#### PROFESSIONAL COMPETENCY REQUIREMENT FOR REINSTATEMENT OF LICENSE

The Board reviewed the professional competency requirement for reinstatement of license. The regulations state that the applicant must meet one of the following within the three years immediately preceding the application for reinstatement: have been in the active practice of medicine and surgery; pass the SPEX Examination or COMVEX-US Examination; pass an ABMS Board Specialty Examination; or demonstrate other proof of professional competency as approved by the Board. At the last meeting, the Board had stated that continuing education would not meet the option of "other proof of professional competency as approved by the Board" and indicated that some type of retraining from a teaching institution would be appropriate to meet this requirement.

Since the last meeting, Patricia Bohart, MD, had tried to obtain this type of training from the Nebraska schools and had been unable to obtain the necessary licensing and credentialing to be able to practice medicine in a supervised setting. Meeks stated that although the statute allows granting of a credential to individuals in supervised training programs as well as in accredited residency programs, the regulations only set out criteria to allow a credential for individuals in accredited residency programs. The Board stated that they want to maintain the allowance in statute for a credential to be issued for supervised training in addition to the accredited residency programs. The Board agreed that they would like to revise regulations to allow a credential to be issued for both the supervised training programs and the accredited residency programs, and to set out parameters for the supervised training programs. Smith and Sitorius agreed to work together to draft parameters for Board review.

#### APPROVAL OF MINUTES OF THE MEETINGS

Sitorius moved, seconded by Smith, to approve the minutes of the meetings for April 15 and May 5, 2005. Voting aye: Kohl, Sitorius, Dryburgh, Adams, Bragg, Brown, Smith. Voting nay: none. Absent: Weaver. Motion carried.

#### DISCIPLINARY INFORMATION

The Board reviewed the disciplinary actions taken and pending since the last meeting.

#### FINANCIAL REPORT

Wisell reported on the financial status of the Board as of April 30, 2005.

### PHYSICIAN ASSISTANT ISSUES

Leon Davis, MD/Brad Adams, PA – request to supervise Adams less than 20% of the time at the Blue Hill Clinic. The Physician Assistant Committee voted to approve this request. Smith moved, seconded by Sitorius, to approve this request for less than 20% supervision. Voting aye: Kohl, Sitorius, Dryburgh, Adams, Bragg, Brown, Smith. Voting nay: none. Absent: Weaver. Motion carried.

Walter Gardner, MD/David Rhodes, PA – request to supervise Rhodes less than 20% of the time at the Crete Area Medical Center Emergency Department. The Physician Assistant Committee voted to approve this request. Sitorius moved, seconded by Smith, to approve this request for less than 20% supervision. Voting aye: Kohl, Sitorius, Dryburgh, Adams, Bragg, Brown, Smith. Voting nay: none. Absent: Weaver. Motion carried.

Giuseppe Zavadzkas, MD/Maria Elliott, PA – request to supervise a third physician assistant. The Physician Assistant Committee voted to approve this request as long as no more than two physician assistants are working at any one time. Sitorius moved, seconded by Smith, to approve the request to supervise a third physician assistant as long as no more than two physician assistants are working at any one time. Voting aye: Kohl, Sitorius, Dryburgh, Adams, Bragg, Brown, Smith. Voting nay: none. Absent: Weaver. Motion carried.

Ronald Anderson, MD/James Krahling, PA – request to supervise a third physician assistant. The Physician Assistant Committee voted to deny this request since the applicant does not establish adequate extenuating circumstances to justify the request. Sitorius moved, seconded by Smith, to deny the request for a third physician assistant for the reason given by the Physician Assistant Committee. Voting aye: Kohl, Sitorius, Adams, Dryburgh, Bragg, Brown, Smith. Voting nay: none. Absent: Weaver. Motion carried.

### FSMB ISSUES

#### Model Guidelines for the Use of Controlled Substances For The Treatment of Pain

The Federation of State Medical Boards adopted as policy in April 2004 “Model Guidelines for the Use of Controlled Substances for the Treatment of Pain.” The new policy had some minor revisions from the previous model policy, on which the Nebraska policy was based. Adams moved, seconded by Smith, to adopt as the policy of the Board the FSMB Guidelines for the Use of Controlled Substances for the Treatment of Pain, to replace the previous policy adopted by the Board in June of 1999. Voting aye: Kohl, Sitorius, Adams, Dryburgh, Bragg, Brown, Smith. Voting nay: none. Absent: Weaver. Motion carried.

An example of a consent form for chronic opioid therapy was developed by the American Academy of Pain Medicine in 1999. The Board requested that permission be obtained from the Academy to copy this form to include with the Pain Guidelines when they are sent to all new licensees or other requesting individuals.

#### Discussion Regarding FSMB 2005 Annual Meeting

The Board discussed the FSMB Annual Meeting which many of them attended recently.

#### Ryan Haight Internet Pharmacy Consumer Protection Act – Federal Legislation

The FSMB had recently requested Board support for the Ryan Haight Internet Pharmacy Consumer Protections Act which was current legislation before the United States Senate (S. 399). The intent of the legislation was to shut down dangerous domestic internet sites that sell or dispense pharmaceuticals without a valid prescription. Adams moved seconded by Smith, to send a letter of support for S. 399 to the Nebraska Senators, with a copy to each of the Nebraska Congressional Representatives. Voting aye: Kohl, Sitorius, Dryburgh, Adams, Bragg, Brown, Smith. Voting nay: none. Absent: Weaver. Motion carried.

Board of Medicine and Surgery  
Minutes of the Meeting  
June 3, 2005  
LEGISLATION

Wisell updated the Board on bills affecting medicine and surgery before the Nebraska Unicameral for the 2005 session, which ended June 3, 2005.

Concerning legislation for 2006, Wisell stated that the Uniform Licensing Law is undergoing a rewriting project for possible introduction in the 2006 legislative session. The June 10 All Board Member meeting will have the rewrite as the focus and will give Board members an opportunity for input. Other meetings will be held across the State to take the project to all interested parties prior to introduction in the legislature.

The Board did not have any legislative proposals to recommend for 2006.

SOFTWARE FOR PAPERLESS MEETINGS

The Board discussed the current status of the project to utilize software for paperless meetings in the future.

Kohl stated that Georgia uses a software system that does not go through the internet. Wisell stated that she viewed the North Dakota system recently, but that the programmer for that program does not have the time to develop similar systems for other states.

The Board discussed various features and concerns regarding paperless meeting systems, including: security of different systems; access at home or while traveling; ability to make notes. The Board definitely wanted to move forward with the project.

REPORT ON ADMINISTRATORS IN MEDICINE (AIM) INSTITUTE ON PHYSICIAN LICENSING, TECHNOLOGY AND INVESTIGATIONS

Grustch reported on the AIM Institute on Physician Licensing, Technology and Investigations which he recently attended.

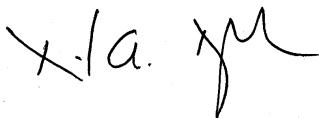
DATABASE OF BOARD RECOMMENDATIONS

The Board discussed the Database of Board Recommendations which is being developed as a reference tool for the Board to use as a history of previous disciplinary cases and Board recommendations. Brown discussed information he learned at the FSMB Annual Meeting regarding Virginia's experience with development of disciplinary guidelines. He also stated that the FSMB has been keeping and categorizing a database of board actions from Nebraska as part of their Board Action Database that could be helpful in the development of the Board's Database of Board Recommendations.

ADJOURNMENT

There being no further business, the meeting adjourned at 2:20 pm.

Respectfully submitted,



David A. Dryburgh, Secretary  
Board of Medicine and Surgery

Board of Medicine and Surgery  
Minutes of the Meeting  
June 3, 2005